

REMARKS

Claims 36, 39, 41-42, 44-45, 47, and 49 have been amended. Claim 50 has been cancelled. Claims 36-49 are pending and under consideration.

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because the amendment does not significantly alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejections under 35 U.S.C. § 112

In the Office Action, at page 2, claims 36 and 50 were rejected under the second paragraph of 35 USC § 112 as being indefinite. Claim 36 has been amended in response to this rejection and claim 50 is cancelled herein. Accordingly, withdrawal of these rejections is respectfully requested.

II. Rejections under 35 U.S.C. § 102

In the Office Action, at pages 3-4, claims 36-50 were rejected under 35 USC § 102(b) as being anticipated by Rosenberg et al. (“An Offer/Answer model with the Session Description Protocol (SDP)”).

Rosenberg et al. does not discuss or suggest:

sending an invite from the calling subscriber to a called subscriber
and at least one other subscriber;

receiving the invite at the called subscriber and the at least one other subscriber

sending early media data to the calling subscriber from the called subscriber and the at least one other subscriber, the early media data sent from the called subscriber including reception address data of the called subscriber that includes an IP address of the called subscriber and a port of the called subscriber, the early media data sent from the at least one other subscriber including reception address data of the at least one other subscriber that includes an IP address of the at least one other subscriber and a port of the at least one other subscriber;

using, by the calling subscriber, the early media data of the called subscriber to select user data, which is sent by the called subscriber along with transmission address data of the called subscriber that includes an IP address of the called subscriber and a port of the called subscriber, wherein

the reception address data of called subscriber is identical to the transmission address data of the called subscriber,

as recited in amended claim 36. With reference to Fig. 1 of the present application, the invention of claim 36 provides caller A with a way to distinguish between early media data coming from both called subscribers B and B'. As such, the invention of claim 36 provides, for example, that the reception address data (IP-B, port-B) of called subscriber B is identical to the transmission address data (IP-b, port-b). In this manner, the calling subscriber A can identify user data, which includes transmission address data (IP-b, port-b) of called subscriber B, received from called subscriber B because the called subscriber transmission data (IP-b, port-b) is the same as the called subscriber reception data (IP-B, port-B), which is previously known because the calling subscriber A has already received this called subscriber reception data (IP-B, port-B) with early media data in a response message 9, 10.

In contrast, Rosenberg et al. does not provide that the reception address data of a called subscriber is identical to the transmission address data of the same called subscriber. The address data sent from a called subscriber to a calling subscriber in Rosenberg et al., as well as other known prior art, is not sufficient to distinguish between early media data coming from two or more different called subscribers. In fact, Rosenberg et al. admits as much by disclosing that "early media can't be identified" and "if a UAC begins receiving two early media streams as a result of two 183s, it can't tell which media stream was created from which 183." As such, Rosenberg et al. actually teaches away from the invention of claim 36. Therefore, claim 36 patentably distinguishes over Rosenberg et al., such that claim 36 is in a condition suitable for allowance.

Claims 37-49 depend either directly or indirectly from claim 36, and include all the features of claim 36, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claims 37-49 patentably distinguish over the reference relied upon for at least the reasons noted above. Thus, it is submitted that claims 37-49 are in a condition suitable for allowance.

Claim 50 has been cancelled.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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